

# CALIFORNIA COMMISSION ON ACCESS TO JUSTICE

## ANNUAL REPORT - 2001

### Executive Summary

The Access Commission had a very busy and productive year in 2001, pursuing its mission of exploring ways to significantly improve access to civil justice for Californians living on low and moderate incomes.

\$ **Equal Access Fund.** The Access to Justice Commission supported the continuation and expansion of the \$10 million Equal Access Fund, which the Access Commission helped establish in 1998. The Fund is a state appropriation to the Judicial Council, which the State Bar's Legal Services Trust Fund Program is responsible for distributing, under Judicial Council oversight. The Equal Access Fund supports 100 local legal services programs across the state as well as court-based self-help centers operated by legal services programs in partnership with the courts.

Initially, the Governor included a 50% increase in his budget; ultimately the increase had to be rescinded when the economy declined, but the veto message was supportive. However, the base \$10 million Fund was preserved and the supportive comments in the Governor's veto message leave us hopeful for the future.

\$ **Language Capacity.** Based on a recommendation from the January 2001 statewide meeting of legal services stakeholders, the Commission launched a project to promote increased access to the judicial system for those encountering language barriers. The Commission is starting to disseminate best practices within the legal services community as well as to court-based self-help centers.

A successful Language Access Summit was held in October, providing a forum of 35 speakers and panelists, and with 150 people in attendance, representing legal services, courts, and community-based organizations throughout the state. Statewide and national support centers participated in developing substantive trainings for legal services programs as part of the summit. The goal of the conference was to bring together advocates in the legal services community and the courts to discuss the issues of language access and cultural competency; improve cross-program communication and support; and promote broader awareness and coordination of existing resources, and collaboration and sharing of those resources in order to establish more effective relationships and partnerships. This outcome was truly successful, and included suggestions and ideas to promote the establishment of a career track in some junior colleges for bilingual speakers in legal interpretation skills. A binder of conference materials was compiled, and we received numerous requests for these materials following the conference.

The Language Access Committee will follow up with a policy paper analyzing the many issues and making recommendations on how they can be addressed, and which institutions are best suited to play a leadership role.

- \$ **Updated Report on Status of Access in California.** The Commission is finalizing an update of its report "And Justice for All" on the 5<sup>th</sup> anniversary of the 1996 issuance of that report. The update will include progress made on the recommendations, suggested revisions to the recommendations, and information on the continuing need for legal services for low and moderate income Californians. The original report was a very important document that led to the establishment of the Commission, the state appropriation for legal services and many other accomplishments. We hope this new report will similarly launch a new series of successful efforts to increase access to our legal system.
- \$ **Communication Plan.** Following the publication of the report, the Access Commission will take the message developed in the Report and conduct an outreach effort. A grant from the State Bar Foundation was secured to help on this project. The project will also build on national public opinion research and model communication efforts being launched in other states.
- \$ **Judicial Training.** Economic barriers to access to justice are now a regular component of judicial and clerk training in California. Over the past three years, the Access Commission has worked on a collaborative effort with the Center for Judicial Training and Research (CJER) to develop reference guides and appropriate curriculum materials, including fact sheets and self-tests for judges, court administrators, clerks, and other court personnel.
- \$ **Judicial Access to Justice Award.** The Access Commission again conducted the solicitation and recommendation process for the annual Benjamin Aranda III Access to Justice Award. The award is presented jointly by the Judicial Council, the State Bar, and California Judges Association to the judge who has demonstrated outstanding commitment to improving access to our judicial system for low and moderate income Californians. The award is presented by the Chief Justice at the California Judicial Administration Conference in February. The first three recipients were Judge Judith McConnell of San Diego, Judge Veronica S. McBeth of Los Angeles, and Judge Charles Campbell of Ventura County. Judge Donna J. Hitchens, of the Superior Court of San Francisco was selected as this year's recipient.

- \$ **Access Protocol.** The Access Commission worked with the Judicial Council to establish a set of standards against which new rules, guidelines, and form development can be measured, to ensure that access to justice is not unintentionally diminished. Informal implementation steps can also be taken to ensure comment by legal services experts on Judicial Council initiatives, and to increase the involvement of those knowledgeable about access to justice issues on Judicial Council committees and task forces. This protocol was adopted by the Judicial Council in December 2001.
- \$ **Federal Court Action Plan.** The Commission proposed a resolution which was adopted by the 9<sup>th</sup> Circuit Judicial Conference in 2000 calling on each district to adopt an action plan to increase representation for unrepresented litigants. The Commission's Federal Court Subcommittee is working on implementation of the resolution.
- \$ **Electronic Filing.** The Commission's E-Filing Subcommittee analyzed the issues raised by electronic court filing to ensure that legal services programs and low income litigants are not inadvertently harmed or disadvantaged by implementation of e-filing. A comprehensive status report on electronic filing was developed by this Subcommittee and widely disseminated.
- \$ **Expanding Legal Services Technology.** In 2000, the Access Commission launched a statewide effort to coordinate development of expert systems and other uses of technology by legal services programs, resulting in establishment of the CalJustice Advisory Committee. The Commission remains a key component of the Advisory Committee; our continued involvement is invaluable in providing broad input, a connection to the court perspective, and assistance in ensuring that best practices are shared on a statewide basis. Examples of specific projects include:

The JNANA Project of the Public Interest Clearinghouse has developed a Fair Housing case analysis system and an Employment Law compliance assessment system. The Clearinghouse now has a statewide technology coordinator and the CalJustice Advisory Committee provides input to the project.

The ICAN! Project, a kiosk and web-based self-help system developed by Orange County Legal Aid, has been successfully implemented in Orange County, and plans for broader California-wide implementation are under way. The system formats pleadings, provides court tours, and educates users on the law, and is housed at libraries, courts, and legal services offices.

California Indian Legal Services received a grant from the Legal Services Corporation for a statewide legal services website, after coordination on the proposal by the CalJustice Advisory Committee.

\$ **Self-Represented Litigants.** The Commission co-sponsored four regional conferences with the Judicial Council and the State Bar involving bench-bar teams from almost every county in the state. At the request of the State Bar and the Access Commission the Judicial Council established a Task Force on Self-Represented Litigants. The Commission continues to work collaboratively on this issue with the Council and its new Task Force, and report regularly to the Board of Governors.

\$ **Limited Scope Legal Assistance (Unbundling).** Following Board approval in July, the Commission's Limited Representation Committee published the Report on Limited Scope Legal Assistance with Initial Recommendations. This major report was prepared and disseminated in October; progress has been made on implementation of the court forms with the Judicial Council Family and Juvenile Law Advisory Committee, and the Unbundling Committee is now launching its implementation stage. A copy of the report is available on the State Bar's website. The Limited Representation Committee is now working to implement these recommendations, coordinating with other entities also analyzing unbundling issues.

\$ **Legal Services Coordinating Committee.** The Commission helped launch this statewide effort to coordinate activity by a variety of institutions involved in some way with statewide planning for legal services. The goal is to identify gaps in service and ways to address those gaps, as well as to ensure institutional accountability for those organizations who have taken responsibility for state planning. The Committee had two major projects in 2001:

**Statewide Stakeholders Meeting.** A day-long meeting of legal services providers was held on January 19<sup>th</sup>. The overall theme, "Building the State Justice Community," focused on examining the existing system and identifying the strengths and gaps in the current system, and offered a forum for legal services providers to discuss and implement strategies for enhancing the future delivery of legal services and providing continuity of legal services programs throughout California.

**Report on the State Plan.** The Legal Services Coordinating Committee submitted an evaluation report to Legal Services Corporation, with significant involvement by Access Commission representatives and staff.

\$ **Legislative Bills.** The Commission provided input at the request of legislators or their staff on the Pro Bono (AB 913), Loan Repayment Assistance Program (LRAP) (AB 935), and Senior Hotline (AB 830) bills, all three of which were enacted.

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The Commission established priorities early in the year and focused our limited resources on those activities that would have the highest impact. We believe we have made substantial progress on our priority goals. We have also been involved in ongoing outreach efforts to ensure that all stakeholders - legal services programs, local courts, bar associations, and community representatives – are included in our ongoing efforts to improve access to the Courts in California. These outreach efforts have heightened awareness around the state concerning our activities and ways that others can be involved.

Respectfully submitted,

Jack W. Londen, Immediate Past Chair,  
California Commission on Access to Justice  
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